

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JESSE JEROME POINTER,
Plaintiff,

vs.

STATE OF NEVADA, et al.,
Defendant.

Case No. 2:22-cv-01847-RFB-VCF

ORDER

Pro se plaintiff Jesse Jerome Pointer filed a complaint, but he did not pay the filing fee or file an application to proceed in forma pauperis. Under 28 U.S.C. § 1914(a), a filing fee is required to commence a civil action in federal court. Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action “without prepayment of fees or security thereof” if the plaintiff submits a financial affidavit that demonstrates the plaintiff “is unable to pay such fees or give security therefor.” Pointer is a frequent litigator in this Court, so he is familiar with the rules of this Court. I note that his cases have been frequently dismissed, which borders on vexatious. Plaintiff must pay the full filing fee or file an application to proceed in forma pauperis if he wishes to proceed with this case.

ACCORDINGLY,

I ORDER that Plaintiff has until Thursday, January 4, 2024, to pay the filing fee in full or file an application to proceed in forma pauperis. Failure to comply with this order may result in dismissal of this case or an order that this case be administratively closed.

I CAUTION plaintiff that continuing to file duplicative and/or frivolous lawsuits may result in adverse consequences, including possible sanctions or a finding that he is a vexatious litigant.

NOTICE


Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and

1 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
2 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
3 may determine that an appeal has been waived due to the failure to file objections within the specified
4 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

5 This circuit has also held that (1) failure to file objections within the specified time and (2)
6 failure to properly address and brief the objectionable issues waives the right to appeal the District
7 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d
8 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).
9 Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any
10 change of address. The notification must include proof of service upon each opposing party's attorney,
11 or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may
12 result in dismissal of the action.

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14 IT IS SO ORDERED.

15 DATED this 5th day of December 2023.

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17 CAM FERENBACH
18 UNITED STATES MAGISTRATE JUDGE
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